

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-305208-D1

Issued to: BERNARD A. KAHOLOKULA

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

584

BERNARD A. KAHOLOKULA

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 13 July, 1951, an Examiner of the United States Coast Guard at Long Beach, California, revoked Merchant Mariner's Document No. Z-305208-D1 issued to Bernard Alapai Kaholokula upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as fireman-watertender on board the American SS SANTA FLAVIA under authority of the document above described, on or about 9 July, 1951, while said vessel was at sea, he unlawfully had in his possession a narcotic drug, to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and the Investigating Officer introduced the Master of the vessel who narrated the circumstances attending discovery of the marijuana in Appellant's locker, and the report of Customs Service as to its identity.

In defense, Appellant explained that he had used marijuana as a cheap substitute for other forms of dissipation; and as an escape from worry because of his wife's then delicate condition.

At the conclusion of the hearing, the Examiner announced that the charge and specification had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-305208-D1 and all other certificates and valid documents held by this Appellant.

From that order, this appeal has been taken, and it is urged:

- (1) Appellant has been sailing for eight years; his ambition is addressed to a life at sea;
- (2) His acts on this occasion were foolish; he realizes the mistake committed which affects his wife and children; and promises to avoid any recurrence of the offense.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 9 July, 1951, Appellant was serving as fireman-watertender on board the American SS SANTA FLAVIA and acting under authority of his Merchant Mariner's Document No. Z-305208-D1, while said vessel was at sea.

While transiting the Panama Canal, Appellant obtained a quantity of marijuana of which he used some portion - and the remainder was found in his locker. Appellant admitted possession of the marijuana.

OPINION

The policy of the Coast Guard respecting narcotics is inflexible. Seamen who use, or become associated with drugs in any form are undesirable - for their own, as well as their shipmates' protection. No exception can be made in the application of this policy.

ORDER

The Order of the Examiner dated Long Beach, California, 13 July, 1951, is AFFIRMED.

M.C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 2nd day of July, 1952.